



Patient Guide

Washington State Department of Health Patient Guide to the Licensure and Regulation of Washington State Physicians and Physician Assistants

The Mission Of The Medical Quality Assurance Commission

It is the purpose of the Medical Quality Assurance Commission to protect the public by assuring the competency and quality of physicians and physician assistants through the establishment, monitoring, and enforcement of qualifications for licensure, setting consistent standards of practice and discipline and defining continuing competency mechanisms. Rules, policies, and procedures adopted by the commission promote the delivery of quality health care to the residents of the state of Washington.

The Medical Quality Assurance Commission consists of thirteen physicians, two physician assistants, and four public members. The Governor appoints all the members to four-year staggered terms.

The Commission meets at least eight times each year to:

- Review and adopt policies pertaining to the regulatory process as it relates to health care;
- Decide whether to initiate disciplinary action against physicians or physician assistants;
- Consider accepting disciplinary sanctions and conditions through stipulated agreements with physicians or physician assistants that will protect the public health, welfare and safety;

- Decide, when negotiation has failed, and after a formal hearing, what sanctions and conditions are appropriate for practitioners in order to protect the public's health, welfare, and safety.

The Department of Health regulates many health professions other than physicians and physician assistants. For information on other professions, call (800) 525-0127.

An Overview Of The Complaint And Disciplinary Process

When a report is filed with the Commission, it is determined whether it's against a licensed physician or physician assistant and whether it's a possible violation of law. The majority of reports received are closed with no action by a panel of the Commission because they are below the investigation threshold, or there is insufficient evidence. If it is believed to be a violation, an investigator is assigned to the case.

If a violation is confirmed by a panel of the Commission, a statement of charges may be issued against the physician. If there appears to be immediate danger to the public, a summary limitation or summary suspension may be issued which prevents the physician from practicing until a hearing is held. The complainant will receive a copy of the statement of charges.

In some cases, the Commission may also require a competency or mental examination and may even contact local law enforcement agencies if there appear to be criminal violations.

The Commission will determine what restrictions, rehabilitation or sanctions should be imposed on the physician. In some cases, the attorneys representing the physician and the Commission may negotiate a settlement agreement to resolve the case before it goes to a hearing.

The Commission has the legal authority to revoke, suspend or limit licenses, to order examinations and treatment, to order additional training, to fine a physician,

and impose a variety of other actions. The Commission, on its own, cannot send a physician or physician assistant to jail since it cannot impose criminal penalties. The complainant will receive information regarding the outcome of the case.

When Should And Shouldn't A Report Be Filed?

You should consider filing a report with the Commission when you believe what a physician is doing or not doing may cause harm to you or another person.

Most patients have no major problems with their physician or physician assistant. If there are any problems, usually they fall outside the jurisdiction of the Commission, such as scheduling appointments, personality conflicts, or disputes over bills or insurance. The Commission does not generally pursue these types of complaints and they are considered below the threshold for investigation.

However, if you or a family member is having a problem with a physician or physician assistant, and you believe it is affecting the quality of the care you receive, you should contact the Medical Quality Assurance Commission at (360) 236-4805.

It is important to understand that the Commission does **not** investigate reports regarding fees or insurance claims unless there are allegations of possible fraud. If your report is regarding a health care facility, you may contact Facilities and Services Licensing at (800) 633-6828. If your report is regarding the processing of your Labor and Industries claim, please contact their Consumer Affairs Office at (800) 547-8367. The Commission does not involve itself in how physicians advertise themselves in the yellow pages if done accurately and appropriately.

Commonly Asked Questions

Q Who do I contact if I disagree with my billing statement?

A Contact your physician, then if not resolved, the county medical society in your area listed in the yellow pages. The Medical Quality Assurance Commission does not generally handle billing disputes, unless fraud can be proven.

Q I don't approve of my physician's bedside manner. Is there anything I can do about it?

A Bedside manner is as varied as physicians, but poor bedside manner is not a violation of the Medical Practice Act. However, actions which mislead, harm or are of a sexual nature are considered unprofessional, and should be reported to the Medical Quality Assurance Commission. Otherwise, if you are not comfortable with your physician, you may wish to find a more suitable physician.

Q How can I find out if a physician is licensed in Washington?

A Call the Department of Health, Medical Quality Assurance Commission at (360) 236-4800.

Q Can you tell me if my physician has had any malpractice suits in Washington state?

A Yes. The Commission does have information on medical malpractice cases that have been settled. However, the Commission does not have information on suits that have been filed, and have not been settled.

Q Is it possible for a physician to continue practicing medicine once the commission has taken disciplinary action?

A Yes. The Commission can impose conditions and/or restrictions related to a violation of the Medical Practice Act and Uniform Disciplinary Act and still permit the physician to practice medicine. Compliance with conditions imposed is monitored by the Commission.

Q Do I have to be the patient in order to file a report?

A No. Anyone who has knowledge of a physician's unprofessional conduct may file a report.

Questions About Filing A Report

Q How do I file a report?

A File your report in writing, providing as much detail as possible, and send it to the Medical Quality Assurance Commission, P.O. Box 47866, Olympia, WA 98504-7866.

Q What part will I play, if any, after filing a report?

A Additional information may be asked of you, either by letter or interview. You may be asked to sign a waiver of confidentiality. You may be required to testify before the Commission should a formal hearing be required.

You may request anonymity, however, if you file a report with the Commission, a release for disclosure of your identity will be requested from you. It is necessary to disclose your identity to the physician or physician assistant in order to obtain your medical records or in the event you are asked to testify at a hearing as a witness.

In some cases, depending on the nature of the report, the investigation may not be able to move forward without the release of your identity. You will be informed of the possible outcomes at the time your release is requested.

Q How long will it take to resolve my report?

A The time will vary depending on the nature of the report and the complexity of the case. Cases may take as little as six months or as long as two years.

Q Will I have immunity?

A By law, anyone who files a report is immune from being sued for doing so, regardless of whether he or she is a patient, a family member, or another health care provider.

Q Is there a statute of limitation to file a report?

A There is no time limit in which to file a report. It is best to file a report as soon as possible so the facts can be more easily investigated. Be as specific as possible with the facts and dates.

Q Should I file a malpractice suit or just report a physician?

A This is a decision that the patient must make. A patient may seek legal advice, as well as file a report with the Commission simultaneously.

Which Reports Can The Commission Act Upon?

Action can be taken on a report which is concerned with patient harm or potential harm, with physician impairment, or with unlicensed practice. Jurisdiction is defined in state law, Chapter 18.130 RCW.

Violations of the Uniform Disciplinary Act fall into three categories:

Unprofessional Conduct:

This is conduct relating primarily to incompetence or negligence that caused or may cause patient harm or conduct relating to moral turpitude, dishonesty, or corruption (RCW 18.130.180);

Impaired Physician:

This conduct relates to the mental or physical inability of a physician to practice medicine with reasonable skill and safety (RCW 18.130.170); and

Unlicensed Practice:

When a person has no valid license, cease and desist orders may be used (RCW 18.130.190).

Reports about unprofessional conduct must fall within one of the following 25 sub-categories of the Uniform Disciplinary Act as summarized below (18.130.180 1-25 RCW).

1. The commission of any act involving moral turpitude, dishonesty or corruption relating to the practice of medicine;

2. Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement of a license;
3. Advertising which is false, fraudulent or misleading;
4. Incompetence, negligence, or malpractice which results in injury to the patient, or which creates unreasonable risk of patient harm;
5. Suspension, revocation, or restriction of a physician's license by a competent authority in any state, federal or foreign jurisdiction;
6. The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes; diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;
7. Violation of any state or federal statute or administrative rule regulating the practice of medicine, including those that define or establish standards of patient care or professional conduct or practice;
8. Failure to cooperate with the Medical Quality Assurance Commission by not responding to or providing certain documentation;
9. Failure to comply with an order issued by the Medical Quality Assurance Commission or a Stipulation to Informal Disposition entered into with the Commission;
10. Aiding or abetting an unlicensed person to practice medicine without a license;
11. Violations of rules established by any health agency;
12. Practice beyond the scope of practice as defined by law or rule;
13. Misrepresentation or fraud in any aspect of the conduct of the practice of medicine;
14. Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

15. Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;
16. Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure or service;
17. Conviction of any gross misdemeanor or felony relating to the practice of medicine;
18. The procuring or aiding or abetting in procuring a criminal abortion;
19. The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;
20. The willful betrayal of the physician or physician assistant patient privilege as recognized by law;
21. Violation of chapter 19.68 RCW—Rebating by physicians or physician assistants;
22. Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts, or by the use of threats or harassment against any patient or witness to prevent the providing of evidence in a disciplinary proceeding or any other legal action;
23. Current misuse of alcohol, controlled substances or legend drugs;
24. Abuse of a client or patient or sexual contact with a patient or client;
25. Acceptance of more than a nominal gratuity, hospitality, or subsidy...

Questions About Public Disclosure

Q How can I obtain copies of files regarding reports, settled medical malpractice cases, or disciplinary actions against a physician or physician assistant?

A The Washington State Public Records Disclosure Act allows access to closed report files, resolved disciplinary action files, statements of charges, and completed application files. The file is reviewed and non-disclosable information is removed. A letter will accompany the files indicating which document and/or information has been withheld and the law which protects the information from disclosure. In order to request disclosable information on a physician or physician assistant, you may write to:

Medical Quality Assurance Commission
Public Disclosure Officer
P. O. Box 47866
Olympia, WA 98504-7866

Q Is there a charge for the public disclosure?

A Yes, for records of 50 or more pages, there is a charge of 15 cents per page, plus 8% tax, per request. However, because most files are quite large, you may wish to receive a brief summary and final outcome of the case. If so, please specify this in your request. A brief summary would most probably be less than 50 pages, eliminating the fee and shortening the response time.

Q Is there a contact person from whom I can get information on the public disclosure process?

A Yes, you may contact the public disclosure officer at (360) 236-4815.

Profession Regulation

Physicians and physician assistants must be licensed by the Department of Health in order to practice medicine in Washington State. Practice in this state is regulated by the Medical Quality Assurance Commission whose mandate and authority are defined in Chapter 246-918 and 246-919 Washington Administrative Code (WAC). Violations of these laws, of RCW 18.130, the Medical Practice Act, of the Uniform Disciplinary Act, and other laws and rules are brought before the Commission to determine consequences to the license holder.

Three principle types of consumer services are provided: license information, information regarding complaints about physicians and physician assistants, and information about disciplinary actions taken against physicians and physician assistants.

The Commission is **not** a physician referral service. You may wish to contact your county medical society for referrals. When selecting a physician, you may wish to call us at (360) 236-4800 and ask the following questions:

- Is the physician currently licensed?
- Have there been any reports filed?
- Has the Commission ever taken any actions against the physician? If yes, ask how you can request a copy of the disciplinary action.
- Are there disciplinary charges pending? If yes, ask how you can request a copy of the allegations.

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